

FORM PTO-1390
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
122733**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/528,069INTERNATIONAL APPLICATION NO.
PCT/JPO3/012353INTERNATIONAL FILING DATE
September 26, 2003PRIORITY DATE CLAIMED
September 27, 2002

TITLE OF INVENTION

THERMAL TREATMENT APPARATUS, METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE, AND METHOD FOR MANUFACTURING SUBSTRATE

APPLICANT(S) FOR DO/EO/US

Naoto NAKAMURA; Iwao NAKAMURA; Tomoharu SHIMADA; Kenichi ISHIGURO; Sadao NAKASHIMA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Resubmission of Response to Decision on Petition and Second Request for Notification of Acceptance and Filing Receipt Status

| | | |
|--|--|------------------------------------|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/528,069 | INTERNATIONAL APPLICATION NO. PCT/JP03/012353 | ATTORNEY'S DOCKET NUMBER 122733 |
|--|--|------------------------------------|

| 21. <input type="checkbox"/> The following fees are submitted: | CALCULATIONS PTO USE ONLY | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--------------|--------------|------|----|--------------|------|---|-----------|----|--------------------|-----|---|------------|----|--|--|--|------------|----|--------------------------------------|--|--|--|--|--|
| BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00 | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| SEARCH FEE (37 CFR 1.492(b)(1)-(3)): \$ | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All situations not provided for above \$ 500.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)): \$ | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All situations not provided for above \$ 200.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing the search fee, the examination fee or the oath or declaration after the date of commencement of the national phase (37 CFR 1.492(h)). | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICATION SIZE FEE Total pages - 100 = + 50 = † x 250 = \$ | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| †round up to next integer | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 30%;">\$</th> </tr> <tr> <td>TOTAL CLAIMS</td> <td>- 20</td> <td>=</td> <td>x 50.00 =</td> <td>\$</td> </tr> <tr> <td>INDEPENDENT CLAIMS</td> <td>- 3</td> <td>=</td> <td>x 200.00 =</td> <td>\$</td> </tr> <tr> <td>MULTIPLE DEPENDENT CLAIM(S)(if applicable)</td> <td></td> <td></td> <td>+ 360.00 =</td> <td>\$</td> </tr> <tr> <td colspan="5" style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</td> </tr> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | TOTAL CLAIMS | - 20 | = | x 50.00 = | \$ | INDEPENDENT CLAIMS | - 3 | = | x 200.00 = | \$ | MULTIPLE DEPENDENT CLAIM(S)(if applicable) | | | + 360.00 = | \$ | TOTAL OF ABOVE CALCULATIONS = | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL CLAIMS | - 20 | = | x 50.00 = | \$ | | | | | | | | | | | | | | | | | | | | | | |
| INDEPENDENT CLAIMS | - 3 | = | x 200.00 = | \$ | | | | | | | | | | | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIM(S)(if applicable) | | | + 360.00 = | \$ | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL = | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. + | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Amount to be refunded: \$ charged: \$ | | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|--|--|
| a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944 |
|--|--|

| | |
|----------------------------|---|
| Date <u>April 16, 2007</u> | NAME: James A. Oliff REGISTRATION NUMBER: 27,075 NAME: Daniel A. Tanner, III REGISTRATION NUMBER: 54,734 |
|----------------------------|---|

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---------------------|
| In re the Application of | ATTN: MAIL STOP PCT |
| Naoto NAKAMURA et al. | Group Art Unit: N/A |
| Application No.: 10/528,069 | Examiner: |
| Filed: March 15, 2005 | Docket No.: 122733 |
| For: THERMAL TREATMENT APPARATUS, METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE, AND METHOD FOR MANUFACTURING SUBSTRATE | |

**RESUBMISSION OF RESPONSE TO DECISION ON PETITION
AND SECOND REQUEST FOR NOTIFICATION OF ACCEPTANCE
AND FILING RECEIPT STATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

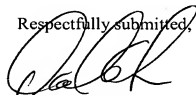
Applicants received the attached letter dated January 22, 2007 from Mr. Mark Ragland, PCT Legal Office of the U.S. Patent and Trademark. The letter states that "PTO records indicate no response by the applicant to a petition decision mailed 13 September 2006 where applicants petition under 37 C.F.R. §1.1.47 was DISMISSED."

During a cursory review of the PTO electronic file, it was discovered that a copy of the September 27, 2006 Response to Decision is not shown in the Image File Wrapper. It is respectfully submitted that a Response to Decision along with a copy of the 09/13/06 Decision & copy of Declaration as filed on July 10, 2006 were submitted in response to the September 13, 2006 Decision on September 27, 2006. A copy of the PTO date-stamped filing receipt, as well as a copy of all documents filed on September 27, 2006 are attached. Applicants understand that the attached documents should have completed all of the filing

requirements regarding this application. Further, Applicants respectfully assert that, as evidenced by the attached documents, Applicants timely filed a response to the September 13 Decision. The original Notification of Acceptance and Filing Receipt have not yet been received. Applicants understand that this is based on the PTO records indicating no response to the September 13 Decision. Based on Applicants belief that all filing formalities are now completed by the attached submission, Applicants respectfully request that the original Notification of Acceptance and Filing Receipt be immediately forwarded to the attorneys of record at the address set forth below.

Should anything further be required, please do not hesitate to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Daniel A. Tanner, III
Registration No. 54,734

JAO:DAT/cfr

Attachments:

- Date-Stamped Filing Receipt
- Copy of Letter from Mr. Ragland
- Copy of 9/13/06 Decision on Petition
- Copy of 9/27/06 Response to Decision on Petition w/copy of Declaration

Date: April 16, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
|--|



UNITED STATES PATENT AND TRADEMARK OFFICE

122733
DAT
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

22 JAN 2007



James A. Oliff
OLIFF & BERRIDGE PLC
P.O. Box 19928
Alexandria, VA 22320

Dear Mr. Oliff:

This is in response to your communication received 20 December 2006 requesting status of the U.S. national stage application 10/528,069 filed March 15, 2005. As of date, the U.S. Designated/Elected Office (DO/EO/US) presently has not issued a Filing Receipts for this. PTO records indicate no response by the applicant to a petition decision mailed 13 September 2006 where applicants petition under 37 CFR 1.47 was DISMISSED.

Mark Ragland
Paralegal Specialist
PCT Legal Office

Tel: (571) 272-3295
Fax: (571) 273-0419

MSR/MR:mr

PTO RECEIPT FOR FILING OF PAPERS

Delivery ▶ Mail Room

The following papers have been filed:

RESPONSE TO DECISION ON PETITION W/COPY OF 9/13/06 DECISION & COPY
OF DEC AS FILED ON 7/10/06

| | |
|---------------------------|---|
| Name of Applicant: | Naoto NAKAMURA; Iwao NAKAMURA; Tomoharu SHIMADA; Kenichi ISHIGURO; Sadao NAKASHIMA |
| Serial No.: | 10/528,069 |
| Attorney File No.: | 122733 |
| Title: | Thermal Treatment Apparatus, Method for Manufacturing Semiconductor Device, and Method for Manufacturing Substrate |
| Sender's Initials: | JAO:DAT/cfr |
| Assignee: | HITACHI KOKUSAI ELECTRIC INC. |

PATENT OFFICE DATE STAMP

COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER

25